

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION (DETROIT)

In re: David Fischer and Elizabeth Fischer, )	Case No. 11-51313
Debtors. )	Chapter 7
)	Hon. Phillip J. Shefferly
)	
)	

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**DEBTORS' AMENDED MOTION TO RECONSIDER AND VACATE ORDER**  
**DISMISSING CASE**

Debtors, David and Elizabeth Fischer, through their attorneys, Berry Moorman P.C., pursuant to Fed. R. Bankr. P. 9024 and F.R.Civ.P 60(b)(6), request that the Court vacate its May 3, 2011 Order Dismissing Chapter 7 Case. In support of their motion, Debtors state:

1. This case commenced with a petition filed by the Debtors on April 20, 2011. At the time of filing, the Statement of Social Security Numbers was inadvertently filed such that the information therein would be accessible by the public.
2. Debtors promptly filed their Amended Petition and a request that their original petition be stricken to correct this deficiency.
3. Although Debtors filed all necessary papers, due to an oversight counsel for the Debtors did not sign the Bankruptcy Petition Cover Sheet. The case was dismissed for this reason.
4. A fully-executed Bankruptcy Petition Cover Sheet has now been filed with the Court in the form of an exhibit to this motion.

Wherefore, Debtors request that the Court vacate its May 3, 2011 Order Dismissing Chapter 7 Case.

Respectfully submitted,  
Berry Moorman P.C.

/s/ James P. Murphy

By: James P. Murphy (P36728)

Attorney for Debtors

535 Griswold, Suite 1900

Detroit, Michigan 48226

(313) 496-1200

Email: [jmurphy@berrymoorman.com](mailto:jmurphy@berrymoorman.com)

Dated: May 5, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that on May 5, 2011, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

David W. Allard

Daniel J. Feko

By: /s/James P. Murphy

James P. Murphy (P36728)

BERRY MOORMAN P.C.

Attorneys for Debtor

535 Griswold, Suite 1900

Detroit, Michigan 48226

(313) 496-1200

[murph@berrymoorman.com](mailto:murph@berrymoorman.com)

Dated: May 5, 2011

## EXHIBIT A

### PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN

In re:

DAVID FISHER  
ELIZABETH FISHER

Debtors.

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Case No. 11-51313-pjs  
Chapter 7  
Hon. Phillip J. Shefferly  
Pet. Filed: 04/20/11

**ORDER VACATING ORDER DISMISSING CASE AND REINSTATING CASE**

The Court has reviewed the Debtors' Ex-Parte Motion to Reconsider Order Dismissing Case and is otherwise advised in the premises,

IT IS ORDERED that this Court's Order Dismissing Case dated May 3, 2011 is vacated and this Case is reinstated.

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U.S. Bankruptcy Court Judge

Order prepared by:

BERRY MOORMAN P.C.  
James P. Murphy (P36728)  
Attorneys for Debtors  
535 Griswold, Suite 1900  
Detroit, Michigan 48226  
(313) 496-1200  
murph@berrymoorman.com

## EXHIBIT B

### CORRECTED FULLY SIGNED COVER SHEET

CORRECTED

Revised 05/08

United States Bankruptcy Court  
Eastern District of Michigan

In re David Fischer  
Elizabeth Fischer

Debtor(s)

Case No. \_\_\_\_\_

Chapter 7

**BANKRUPTCY PETITION COVER SHEET**

(The debtor must complete and file this form with the petition in every bankruptcy case. Instead of filling in the boxes on the petition requiring information on prior and pending cases, the debtor may refer to this form.)

**Part 1**

"Companion cases," as defined in L.B.R. 1073-1(b), are cases involving any of the following: (1) The same debtor; (2) A corporation and any majority shareholder thereof; (3) Affiliated corporations; (4) A partnership and any of its general partners; (5) An individual and his or her general partner; (6) An individual and his or her spouse; or (7) Individuals or entities with any substantial identity of financial interest or assets.

Has a "companion case" to this case ever been filed at any time in this district or any other district? Yes \_\_\_ No X  
(If yes, complete Part 2.)

**Part 2**

For each companion case, state in chronological order of cases: (Attach supplemental sheets if necessary.)

	First Case	Second Case	Third Case
Name on petition			
Relationship to this case			
Case Number			
Chapter			
Date filed			
District			
Division			
Judge			
Status/Disposition			

(Pending, confirmed & still open, confirmed & closed, dismissed before/after confirmation, discharged, etc.)

If the present case is a Chapter 13 case, state for each companion case:

Attorney \_\_\_\_\_  
Legal fee \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
Proposed legal fee in this case \$ \_\_\_\_\_

Changes in circumstances which lead the debtor to reasonably believe that the current plan will be successful.

**Part 3 - In a Chapter 13 Case Only**

The Debtor(s) certify, re: 11 U.S.C. § 1328(f):

[indicate which]

- ☐ Debtor(s) received a discharge issued in a case filed under Chapter 7, 11, or 12 during the 4-years before filing this case.
- ☐ Debtor(s) did **not** receive a discharge issued in a case filed under Chapter 7, 11, or 12 during the 4-years before filing this case.
- ☐ Debtor(s) received a discharge in a Chapter 13 case filed during the 2-years before filing this case.
- ☐ Debtor(s) did **not** receive a discharge in a Chapter 13 case filed during the 2-years before filing this case.

I declare under penalty of perjury that I have read this form and that it is true and correct to the best of my information and belief.

David Fischer  
David Fischer  
Debtor

Elizabeth C. Fischer  
Elizabeth Fischer  
Debtor

James P. Murphy 5/4/2011  
James P. Murphy P36728  
Debtor's Attorney

Date: April 20, 2011

Berry Moorman P.C.  
535 Griswold  
Suite 1900  
Detroit, MI 48226-3679  
313-496-1200 Fax: 313-496-1300